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October 28, 2005

VIA COURIER

The Honorable Scott E. Thomas  
Chairman  
Federal Election Commission  
999 E. Street, N.W.  
Washington, D.C. 20463

Re: MUR 5673  
Sandy Lyons for Congress and Melissa B. Jordan,  
in her official capacity as treasurer  
Sanford David "Sandy" Lyons

Dear Mr. Thomas:

This letter is in response to the Federal Election Commission's ("Commission") August 11, 2005 Notification with Factual and Legal Analysis for the above-referenced proceeding.

We do not challenge the Commission's allegation that Sandy Lyons for Congress and Melissa B. Jordan ("Jordan"), in her official capacity as treasurer, violated 2 U.S.C. §441a-1(b)(1)(C) and 11 C.F.R. § 400.21(b) and Sanford David "Sandy" Lyons ("Lyons") violated 2 U.S.C. §441a-1(b)(1)(C).

First, 2004 was the first federal election year after passage of the Bipartisan Campaign Reform Act of 2002. Accordingly, 2004 was the first time campaigns had to comply with the "Millionaire's Amendment" and the related new reporting requirements promulgated by the Commission. As indicated in Jordan's affidavit (enclosure 1), on July 9, 2005 she learned that Lyons had deposited an additional \$100,000 in the Sandy Lyons for Congress account on July 8, 2005. As soon as Jordan made this discovery, she completed FEC Form 10 and sent it via U.S. mail

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The Honorable Scott E. Thomas  
October 28, 2005  
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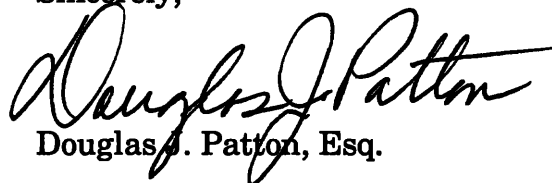
to the Commission. At this time, Jordan believed that FEC Form 10 needed to be postmarked within 24 hours and did not realize it had to actually be received by the Commission within 24 hours. The Commission's file copy of the Sandy Lyons for Congress FEC Form 10 is date stamped July 14, 2005 and the attached "Envelope Replacement Page for Incoming Documents" indicates the envelope containing the FEC Form 10 was postmarked July 9, 2005 (see enclosure 2).

Second, the late filing of the FEC Form 10 by Jordan did not cause any actual harm to any other candidate. The FEC Form 10 was received by the Commission on July 14<sup>th</sup>, six days prior to the July 20<sup>th</sup> Republican primary. In addition, another candidate in the primary, George Moretz, had already triggered the Millionaire's Amendment. Finally, Lyons placed third in a four-way primary race and received only 19.6% of the vote.

For these reasons, it is our contention that this late filing was not willful and knowing and did not harm any of the other candidates involved in the primary. Mr. Lyons was a first time federal candidate and does not plan on running for federal office again.

Thank you. I look forward to your response.

Sincerely,

  
Douglas J. Patton, Esq.

Enclosures:

Affidavit of Melissa B. Jordan  
Sandy Lyons for Congress Form 10

cc: Sanford David "Sandy" Lyons  
Melissa B. Jordan  
J. Cameron Thurber

Melissa B. Jordan  
2049 10<sup>th</sup> Street Lane NW  
Hickory, North Carolina 28601

**Affidavit of Melissa B. Jordan**

I, Melissa B. Jordan, upon my oath do state as follows:

1. I served as Treasurer of the Sandy Lyons for Congress campaign from January 15, 2004 to July 15, 2004.
2. On July 9, 2004, I learned Sandy Lyons had personally deposited an additional \$100,000 into the campaign account on July 8, 2004. I typed up the FEC Form 10 and sent the required disclosure via the U. S. Postal Service.
3. As of July 9, 2004, I was under the impression that FEC Form 10 only had to be postmarked within 24 hours of receipt of funds. I was unaware the law required that the FEC actually receive the disclosure form within 24 hours.

Signed under the penalties of perjury this 24<sup>th</sup> day of October, 2005.

  
Melissa B. Jordan  
Melissa B. Jordan

Sworn & subscribed by me this  
24<sup>th</sup> day of Oct 2005

Dominic C. Norris  
Comm exp 6-28-09

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**FEC FORM 10**

**24-HOUR NOTICE OF EXPENDITURE FROM CANDIDATE'S PERSONAL FUNDS (11 CFR 400.21 and 400.22)**  
**(Millionaires' Amendment)**

1. Name of Candidate	2. Office Sought	3. State	4. District	5. Candidate ID Number
Sanford D. Lyons	US House	NC	10	H 4 N C 1 0 0 6 2
6. Name of Principal Campaign Committee				7. Committee ID Number
Sandy Lyons for Congress				C 0 0 3 9 4 8 3 3

B. Address

PO Box 908

9. City, State and ZIP Code

Hickory NC 28603

10. Expenditures of Personal Funds (If the candidate has made expenditures for different elections, submit a separate Form 10 for each election.)

Aggregate Expenditures Previously Reported During the Election Cycle

3 4 5 0 0 0 0

DATE	ELECTION	AMOUNT	CHECK IF CANDIDATE
A 0 7 0 8 2 0 0 4	X Primary General Other	1 0 0 0 0 0 0 0	
B	Primary General Other		
C	Primary General Other		
D	Primary General Other		

11. Total Expenditures This Notice

1 0 0 0 0 0 0 0

12. Total Expenditures Election Cycle To Date

4 4 5 0 0 0 0 0

TYPE OR PRINT NAME OF COMMITTEE TREASURER

Melissa B Jordan

SIGNATURE OF COMMITTEE TREASURER

*Melissa B Jordan*

DATE

7/9/04

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For further information contact:  
 Federal Election Commission, 900 E Street, NW, Washington, DC 20463  
 Toll Free 800-424-9630, Local 202-694-1100

FEBAND04.PDF

FEC Form 10 (Rev 02/2000)

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**Federal Election Commission  
ENVELOPE REPLACEMENT PAGE  
FOR INCOMING DOCUMENTS**

The FEC added this page to the end of this filing to indicate how it was received.

<input type="checkbox"/> Hand Delivered	Date of Receipt
<input checked="" type="checkbox"/> USPS First Class Mail	Postmarked 7/9/2004
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
PREPARER (5/2004)	DATE PREPARED 7/14/2004

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